

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE: GOLD KING MINE RELEASE
IN SAN JUAN COUNTY, COLORADO,
ON AUGUST 5, 2015

No. 1:18-md-02824-WJ

*This Document Relates to: No. 1:16-cv-00465-WJ-LF,
consolidated with No. 1:16-cv-00931-WJ-LF*

**MEMORANDUM OPINION AND ORDER GRANTING STATE OF NEW MEXICO'S
MOTION FOR LEAVE TO AMEND FIRST AMENDED COMPLAINT**

THIS MATTER comes before the Court on Plaintiff the State of New Mexico's Motion for Leave to Amend First Amended Complaint, Doc. 317, filed September 30, 2019 ("Motion to Amend").

"Given information available to New Mexico at this time [more than four years after the Gold King Mine Release], New Mexico seeks to withdraw its claim under RCRA, which is asserted as the Third Cause of Action in [New Mexico's First Amended Complaint]. To that end, New Mexico seeks to file a Second Amended Complaint." Motion to Amend at 2. No responses opposing New Mexico's Motion to Amend have been filed. The Court grants New Mexico's Motion to Amend. *See* Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave [to amend] when justice so requires").

IT IS ORDERED that Plaintiff the State of New Mexico's Motion for Leave to Amend First Amended Complaint, Doc. 317, filed September 30, 2019, is **GRANTED**.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE